

## **REMARKS / ARGUMENTS**

In complete response to the Office Action dated January 23, 2006, on the above identified application, reconsideration is respectfully requested. Claims 15, 17-26, and 28-30 are pending in this application.

With this amendment, claim 15 is amended, new claim and claims 24 and 31-32 are cancelled.

With respect to the Finality of the Office Action, Applicants have contemporaneously submitted a Request for Continued Examination.

### **Objections to the Drawings:**

The Examiner objected to the drawings as failing to show the gas mixer of claim 15. Applicants have submitted new Figure 3 showing the gas mixer of claim 15. Applicants have also attached amended Figures 1 and 2 indicating that they are sheets 1 of 3 and 2 of 3, respectively. Thus, they believe the objection has been overcome.

### **Claim Rejections Under 35 U.S.C. § 112 (2):**

Claims 22 and 32 were rejected under 35 U.S.C. 112 (2) as indefinite. Claim 22 has been amended to depend from claim 15 and claim 32 canceled. Thus, Applicants believe the rejection has been overcome.

### **Claim Rejections Under 35 U.S.C. § 103:**

Claims 15, 17-19, and 21-23 currently stand rejected under 35 U.S.C. 103(a) as being unpatentable over Faerber (U.S. Patent No. 6,281,472) in view of Hermann (WO 02/43,918), Banas et al. (U.S. Patent No. 4,000,392), and Arai (U.S. Patent No. 4,945,207). Applicants respectfully assert that none of the references, alone or in combination, discloses, teaches or suggests the claimed subject matter.

The Examiner depends upon Arai for use of a gas mixer in the hypothetical combination of Faerber, Hermann, and Banas et al. as suggested by the Examiner.

While Arai discloses a mixer, there is no suggestion or teaching by Arai, Faerber, Hermann, or Banas et al. to utilize that mixer *onsite to adjust the composition of the shielding gas in response to fluctuations in the power or power density of the laser beam*. Rather, to the extent that Arai addresses the function of the gas mixer, it simply discloses that it may be used to mix assist gases. Thus, there is no connection between the gas mixer and adjusting the composition and there is no connection between the gas mixer and fluctuations in the power or power density of the laser. Thus, Applicants respectfully request withdrawal of the rejection.

Applicants have also presented new claim 35 directed to workpieces made of mild steel or stainless steel. Applicants respectfully submit that none of the prior art of record discloses, teaches or suggests the subject matter of new claim 35.

Claims 24, 31, and 32 were rejected under 35 U.S.C. 103(a) as being unpatentable over Faerber in U.S. Patent No. 6,281,472 in view of Hermann in WO 02/43,918, published 6 June 2002 and Banas et al. in U.S. Patent No. 4,000,392. These claims have been canceled, thereby mooted the rejection.

## CONCLUSION

Accordingly, it is believed that the present application now stands in condition for allowance. Early notice to this effect is earnestly solicited. A Request for Continued Examination has been contemporaneously submitted with this Amendment along with the associated fees. Should the Examiner believe a telephone call would expedite the prosecution of the application, he is invited to call the undersigned attorney at the number listed below.

Respectfully submitted,

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Appl. No. 10/501,269  
Attorney Docket No. Serie 5879  
Amdt. dated March 14, 2007  
Reply to Final Office Action of September 21, 2006

Date: **March 14, 2007**

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